

CALL TO ORDER - 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Warden, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Community Development Director de Melo, Parks and Recreation Director Gervais, City Treasurer Violet, Deputy Finance Director Lazzari, Technology Specialist Martinez, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Interim City Attorney Kane

SPECIAL PRESENTATIONS

Presentation from Ralston Middle School Regarding Anti-Smoking in the movie industry

Sixth grade students from Ralston Middle School outlined their "Lights, Camera, Tobacco" program which is intended to pressure the motion picture industry to give movies showing smoking and smoke products an R rating. They outlined the statistics of the incidence of smoking in movies with G and PG ratings.

Mayor Feierbach presented the students with a letter of support for the students' project.

Council concurred to adopt a resolution in support of this effort, and all expressed appreciation for the informative presentation.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Eleanor Anderson, Children's Librarian/Belmont Library, stated that her goal is to engage children and families in reading and library programs. She described ongoing library programs and partnerships. She noted that the Belmont Library would be sponsoring a summer reading program.

Charles Rinaldi, Belmont resident, stated that he has been attempting to get the ordinance addressing circular driveways changed, and that the Planning Commission has discussed this matter. He noted that his driveway is in violation of the existing ordinance. He advised that his vehicles have been vandalized and stolen, and that neighbors have complained regarding his driveway. He explained that he is trying to protect his vehicles by moving them off the street, and that he has had an unfinished project for three years. He suggested grandfathering in existing circular driveways. He commented that the regulations are outdated.

Lenore Griffin, Belmont Chamber of Commerce, outlined an upcoming Distinguished Speaker series sponsored by the Chamber in conjunction with Notre Dame de Namur University.

William Sangervasi, Belmont resident, spoke regarding the new garbage service provided by Recology. He stated that rates have increased and Recology laid off 50 employees. He noted that he has been asked to provide a doctor's note as to why he cannot move the carts to the street, and he recommended that the City eliminate this requirement.

Councilmember Warden clarified that Recology does not require the disclosure of the medical condition, only that residents provide a doctor's note that the need exists.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach stated that the new 2-1-1 information system will be going into effect on February 11th. She stated that a ribbon cutting for the Emmett House would be held on March 19th.

Councilmember Braunstein noted that the United Way is hosting an event to launch the 2-1-1 information system.

CONSENT CALENDAR

Approval of Minutes of Regular Meeting of January 11, 2011

Acceptance of Informational Report Regarding the City of Belmont Pavement Management Program and Overall Street Conditions

Motion to Receive Monthly Financial Reports

Approval of Resolution 10318 Accepting Thirteen Public Utility Easement Deeds for Sewer Easements from Property Owners of Legal Parcels on Gordon Avenue And Laurel Avenue, Belmont (APN's 045-161-010, 045-161-020, 045-161-040, 045-161-050, 045-161-100, 045-161-110, 045-161-120, 045-161-130, 045-161-140, 045-161-150, 045-161-160, 045-161-170 And 045-161-190).

Approval of Resolution 10319 Approving City of Belmont Investment Policy

Approval of Resolution 10320 Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Olympian Oil Company for an Amount not to Exceed \$25,000

Approval of Resolution 10321 Executing an Ownership, Operations, and Maintenance Agreement between the City/County Association of Governments of San Mateo County (C/CAG), and the County of San Mateo, and the City of Belmont for the San Mateo County Smart Corridors Project

Approval of Resolution 10322 Authorizing an Allocation of an Amount Not to Exceed \$90,000 for Improvements to Cipriani Dog Park

Approval of Resolution 10323 Confirming the Sale of Real Property Located at Island Parkway (Remnant Parcel), Belmont, APN 118-61-000-21 (Portion)

Approval of Resolution 10324 Accepting Work for the Emergency Sewer Pipebursting Repair at 2430 Coronet Boulevard by D'Arcy and Harty Construction, Inc. in an Amount not to Exceed \$14,800

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Warden, the Consent Agenda was unanimously approved by a show of hands.

Reconvene Special Joint Powers Financing Authority Meeting

OLD BUSINESS

Resolution Authorizing Sewer Treatment Bonds (continued from January 11, 2011)

Finance Director Fil stated that staff met individually with City Council members to review costs associated with the bonds, and some Councilmembers toured the City's infrastructure system. He explained that the bonds are designed to pay for improvements that will last 75 years. He clarified that sewer rates do not increase solely as a result of bond debt, but are attributable to other factors such as usage and inflation. He stated that the amount of the sewer rate allocated to debt service could be removed when considering future bond increases. He further clarified that larger users of the system pay more.

Co-Interim Public Works Director Gervais explained that Belmont has an aging sewer system, and that 40 percent of it still remains to be repaired or replaced.

Councilmember Wozniak stated that sewer laterals as well as inflow and infiltration issues are not being addressed. She noted that future technology could affect future infrastructure needs, and there may not be a need to issue bonds, or monies could be applied to other methods of treating sewage.

Councilmember Lieberman stated that the General Manager of the South Bayside Systems Authority is always up to date on new technology.

Co-Interim Public Works Director Gervais stated that sustainable systems can always be considered. He explained that staff is preparing a report to the Council on policy options regarding sewer laterals.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Lieberman, Resolution 10325 Authorizing the Execution and Delivery of an Installment Purchase Agreement, a Notice of Sale, and an Official Statement and Authorizing Certain Related Matters was unanimously approved by a show of hands.

(Note: Companion resolution for Joint Powers Financing Authority was also duly adopted, and said action is recorded in the minutes of this date for that Authority.)

Resolution Authorizing Sewer Collection Bonds (continued from January 11, 2011)

Councilmember Wozniak stated that the tour of the City's Corporation Yard was informative. She recommended tabling action on this bond until the new Public Works Director was hired.

Co-Interim Public Works Director Gervais stated that the new director would likely rely on staff regarding proposed sewer projects.

Councilmember Warden acknowledged that the proposed capital improvement projects are needed. He expressed concerns regarding the cost to businesses, the majority of which do not use the force main or pump stations, nor are they located in areas containing problem sewer basins, which comprises most of the sewer projects. He noted that 80 percent of sewer calls are related to laterals.

Councilmember Braunstein stated that a backlog of projects exists, and the City has a Master Plan of projects to be completed. He expressed support for moving forward with projects. He noted that other cities have experienced sewage spills. He concurs that the new Public Works Director will rely on staff, and that sewer laterals need to be addressed.

Councilmember Lieberman concurred with Councilmember Braunstein, and stated that there is likely a need for one or two more bond issuances. He noted that all parcels in Belmont collectively share in the costs.

Councilmember Warden suggested a smaller bond issuance and to reduce the cost for business parcels but keep the cost for residential parcels the same.

City Manager Scoles stated that all proposed projects are important, and there is efficiency in selling the bonds together. He noted that as proposed projects develop, the new Public Works Director will be able to have input.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Wozniak, and approved by a roll call vote (3-2, Lieberman/Braunstein no) to table this item until the hiring of the new Public Works Director.

Mayor Feierbach expressed her desire to continue with sewer projects using existing funds.

Adjourn Special Joint Powers Financing Authority Meeting, 9:25 P.M.

Consideration of Resolution to Replace Copiers with Multi-Function Printing Equipment

Information Services Director Harnish stated that this project has been scaled back from 16 to 12 units, and consists of replacement equipment only. She noted that a majority of copiers have reached the end of their life or lease term. She explained that vendor proposals were evaluated by staff, and one vendor was selected.

Technology Specialist Martinez reviewed the current equipment inventory, as well as lease and supply costs. She outlined the positive impact of replacing outdated equipment with state-of-the art equipment. She noted that this proposal will reduce the overall fleet. She outlined how costs will be reduced with the implementation of the plan, and described lease versus purchase.

Information Services Director Harnish clarified that the overall fleet reduction will be achieved through attrition. She further clarified that the new contract includes maintenance as well as some disposables such as ink and staples, but not paper.

In response to Councilmember Lieberman, Information Services Director Harnish described the RFP (request for proposal) process. She noted that the selected vendor was the second-to-lowest bidder, and they were selected based on level of service and equipment.

Interim City Attorney Kane explained that the proposals received were not equivalent, and the selection was made using the best value determination method.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, Resolution 103326 Authorizing Issuance of a Purchase Order in the Amount not to exceed \$126,000 to Konica Minolta for Acquisition of Multi-Function Printing Equipment was unanimously approved by a show of hands, said motion to include direct purchase of said equipment.

RECESS: 9:40 P.M.

RECONVENE: 9:50 P.M.

Consideration of Preliminary Design Review for a Planned Development Rezoning, and Two Lot Subdivision for the Construction of Two Single Family Homes at 802 Miramar Terrace: APN(S): 044-211-090 & 145-140-410; Application. NO.: 2010-0043 (Requires Disclosure of Ex Parte Contacts)

Councilmember Lieberman stated that because he lives within 300 feet of this project site, he would need to recuse himself from this matter. He stepped off the dais and out of the room.

The remaining four Councilmembers advised they have had no ex parte contacts regarding this matter.

Community Development Director de Melo stated that the proposed project involves subdividing one lot into two, and the construction of two single-family homes. He noted that because this is a preliminary review only, no detailed analysis has been performed by staff, and comments and direction of the City Council is nonbinding. He explained that the existing lot is currently vacant. He further stated that the applicant proposes to rezone the property to Planned Development (PD) from R1-E. He noted that the maximum floor area ratio in the existing zoning is 4,500 square feet, and that the proposed home sizes are 8,000 square feet and 6,600 square feet respectively. He explained that some trees are proposed to be removed.

Community Development Director de Melo explained that the rezoning is being proposed because the subdivision does not meet the requirements for the current zoning. He outlined the issues and questions for the City Council to consider. He stated that staff has concerns regarding intensification of use, grading, hardscape, and impacts to the surrounding properties. He further stated that a geotechnical review would be needed.

Community Development Director de Melo clarified that a floor area exception is the mechanism for requesting more square footage than what is allowed under the current zoning. He noted, however,

that the issue for this application is the subdivision standards, as it does not meet those standards without the rezoning to a Planned Development. He explained that the current configuration of the lot would allow for one lot with a maximum of a 4,500 square foot home. He noted that the surrounding homes range from 3,500 square feet to 4,500 square feet.

Community Development Director de Melo described the Planned Development process, and noted it is a legislative act which requires action by both the Planning Commission and the City Council. He stated that if the application for this property were for one house under 4,500 square feet, it would likely only require design review by the Planning Commission.

Kevin Chang, on behalf of the property owner/applicant, stated that his clients have owned this property for ten years, and plan to relocate to the new homes from overseas. He explained that the original plan was for three homes to house multi-generational families, which was reduced to two homes on two lots. He stated the applicant is sensitive to the view corridor, and access for the neighbors would be provided by not installing any fencing. The applicants intend to collect storm water for use on landscaping, and solar would be installed, with any savings to be shared with neighbors.

Mayor Feierbach expressed appreciation for the applicant making use of the preliminary design process. She stated she cannot support a Planned Development, as it circumvents existing zoning requirements. She stated that the homes are too large, and she would support one house within the size permitted by the existing zoning. She cannot make the findings for a subdivision.

Councilmembers Wozniak and Braunstein concurred with Mayor Feierbach.

Councilmember Warden stated that the proposed homes are too big and out of scale with the surrounding neighborhood. He noted that R1-E zoning is the most liberal residential zoning available in Belmont. He recommended that the applicants exercise care in how to proceed, since concerns have been raised regarding the proposed subdivision.

At this time, being 10:20 P.M., Councilmember Lieberman returned to the dais.

Discussion and Direction Regarding City Attorney Services

Human Resources Director Dino outlined the previous contract under which former City Attorney Zafferano operated. She explained that his firm was under contract, but he was on the payroll and received some benefits. She provided comparisons with other cities, and explained that they did not include outside legal costs. She outlined factors that impact the cost for city attorney services.

MEETING EXTENSION, at this time, being 10:30 P.M., on a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, the meeting was unanimously extended for 30 minutes by a show of hands.

Human Resources Director Dino stated that the City of Belmont's philosophy regarding salary is to pay at or near median, and she provided salary comparisons with the cities of Burlingame, Pacifica, and San Bruno. She outlined Belmont's 2009-10 legal costs, as well as the pros and cons of in-house attorney versus contract attorney services.

In response to Councilmember Lieberman, Interim City Attorney Kane stated that the savings in legal costs if Belmont had gone with the SBWMA (South Bayside Waste Management Authority) contract for the Recology solid waste contract would have been \$20,000.

Councilmember Wozniak expressed support for having an in-house city attorney. She recommended finding similar-sized cities for salary comparisons.

Councilmember Lieberman expressed the desire to find the best city attorney. He is concerned with pursuing an in-house city attorney, and noted that Belmont is the smallest of comparison cities with an in-house attorney.

Councilmember Warden expressed support for a full-time in-house attorney. He noted that by combining the retainer with other costs, it equals that of an in-house attorney, and could potentially save money. He noted an in-house attorney would be more available to staff.

Councilmember Braunstein expressed concern regarding having an in-house city attorney. He stated that the City Council may not have managed the existing contract well. He noted there will always be a need for additional legal services. He supports a contract city attorney.

Mayor Feierbach expressed support for an in-house attorney, and concurred with the need to compare to similar-sized cities.

City Manager Scoles noted that the new fire department will require additional legal services.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Wozniak, and approved by a roll call vote (3-2, Lieberman/Braunstein no) to direct staff to begin recruitment for a full-time in-house city attorney.

NEW BUSINESS

Annual Review of Council Priority Calendar: Step One - Discussion and Direction on Projects

Executive Assistant Stallings stated that the schedule of this Priority Calendar review is to coincide with the City's budget process. She highlighted accomplishments from the past year, and noted that ten projects are listed as suspended, ten are below the line, and 17 new projects are proposed.

MEETING EXTENSION, at this time, being 11:00 P.M., on a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, the meeting was unanimously extended for 30 minutes by a show of hands.

Councilmember Warden noted that all the Green Advisory Committee items are included in the Community Development Department, and there is no section in the Priority Calendar for the city attorney. He stated that the proposed new project regarding the prohibition of single-use plastic bags should probably be handled by the city attorney, since it is a legislative issue.

Councilmember Wozniak recommended creating a green or sustainability section for the Priority Calendar.

Interim City Attorney stated that the issue will be how to address new projects under the current hourly contract for her services.

Councilmember Lieberman expressed his desire to explore the use of Redevelopment Agency funds for the proposed Sports Complex turf project.

Mike Swire, Green Advisory Committee (GAC), recommended moving forward with all projects from GAC, especially the single-use bag issue. He noted that many cities have adopted prohibitions, and other cities are considering. He stated that individuals and organizations support a ban. He commented that GAC members are willing to help on this issue.

Mary Morrissey-Parden, Belmont Chamber of Commerce, commented regarding last year's disbanding of the Economic Development Subcommittee. She noted that she was advised at the time not to raise the issue or question the action. She stated that the Chamber of Commerce feels disconnected on issues until they are before the City Council at a meeting. She expressed support for reforming the Committee, or for expanding the role of Keyser Marsten, the consultant.

Councilmember Braunstein expressed a desire to add sewer laterals to the Priority Calendar for Public Works.

Councilmember Warden stated that a sustainability section of the Calendar will need a lead person or department.

Council concurred to address this during the next discussion on this matter.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Warden stated that a budget structural deficit was discussed at the most recent San Mateo County Library meeting.

Councilmember Lieberman stated that at a recent Ambulance Joint Powers Authority meeting, City Manager Scoles was appointed as the staff contact for the three southern member cities. He noted that there is an issue regarding duplicate insurance that needs to be sorted out.

Update on High Speed Rail (Verbal)

Community Development Director de Melo stated that Mark Simon and Rod Diridon were speakers at recent meetings sponsored by Belmont's High Speed Rail Committee.

Councilmember Wozniak stated that Caltrain's Joint Powers Board is proposing service reductions, and the Belmont station could be completely eliminated. She provided an update on the Peninsula Cities Consortium (PCC).

Verbal Report from City Manager

City Manager Scoles stated that there is a fifth Tuesday in the month of March, which is likely to be used as a Council study session for a variety of topics. He noted the upcoming ribbon cutting celebration for the Emmett House.

ADJOURNMENT at this time, being 11:30 P.M.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 779